

EXHIBIT

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Villafana, Ann Marie C. (USAFLS)

From: Jay Lefkowitz [JLefkowitz@kirkland.com]
Sent: Sunday, September 23, 2007 11:58 AM
To: Acosta, Alex (USAFLS)
Cc: Lourie, Andrew; Sloman, Jeff (USAFLS); Villafana, Ann Marie C. (USAFLS)
Subject: Jeffrey Epstein - confidential

Dear Mr. Acosta,

I write to follow up on our conversation on Friday and to ask you to reconsider your decision to require that Mr. Epstein plead guilty to a registerable state charge. It appears that there was a misunderstanding at the meeting I had with Messrs.

Lourie, Krischer,
Goldberger, Lefcourt, Ms. Villafana and Ms. Belohlavek.
Please confirm
this with Andy Lourie.

Before the meeting, Mr. Krischer, and Ms. Belohlavek, a sex prosecutor for 13 years, told us that solicitation of a minor, under 796.03, is not a registerable offense. However, as it turned out, 796.03 is a registerable offense and our discussion at the meeting was based on a mistaken assumption. We suggest that Mr. Epstein enter two pleas -- one to the Indictment and a second to a non-registerable charge. This charge could still allow for restitution under chapter 796. Indeed, because the conduct at issue here involves woman under the age of majority, I would suggest that Mr. Epstein plead either to a charge of contributing to the delinquency of a minor, child abuse, and/or agree to a statement of facts that he should have known that women under the age of majority were involved. Such a statement combined with a plea should address any concerns you have regarding Mr. Epstein's accepting responsibility for his conduct.

To require registration based on the facts alleged in this case, however, simply does not make sense.

Registration is a life sentence and the FBI's involvement in this case and their interest in vindication for their efforts cannot justify a punishment harsher than what Mr. Epstein deserves. I ask you to look at the manner in which the state settled the Kutun case last week. As you know, Mr. Kutun was a public figure who had videotaped sexual intercourse with a 16 year old. Consider the following factors, which we believe, indicate that registration is not justified in Mr. Epstein's case:

- Mr. Epstein has no prior criminal record and no previous history of sexual offenses;
- The vast majority of the girls alleged to be involved were over the age of 16, and many were months away from reaching the age of majority;
- There are no allegations of substance or alcohol abuse or that Mr. Epstein provided drugs or alcohol to anyone;
- There is no suggestion that Mr. Epstein is a pedophile;